



COLORADO

Department of Public
Health & Environment

August 25, 2020

Luis Lopez II, Commissioner
Felix Lopez, Commissioner
Tony Haas, Commissioner
Las Animas County Board of Commissioners
200 E. 1st Street
Trinidad, CO 81082

Ray Garcia, Commissioner
Max Vezzani, Commissioner
Gerald Cisneros, Commissioner
Huerfano County Board of Commissioners
401 Main Street, Suite 201
Walsenburg, CO 81089

Kim Gonzales, Director
Las Animas-Huerfano Counties District Health Department

RE: Las Animas and Huerfano County Variance Request from portions of **Public Health Order 20-28**

Dear Commissioners and Director Donovan:

Thank you for your second application to the Colorado Department of Public Health and Environment (CDPHE) requesting a variance to portions of **Public Health Order 20-28 Safer at Home**. I have had an opportunity to review your request for the indoor and outdoor events, specifically for County 4-H and Livestock events, movie theaters and bars, and consider the information provided. The request is approved, with some amendments, as explained further below.

As stated in Appendix G to PHO 20-28, when reviewing a variance request, we evaluate the current prevalence of COVID-19 in the jurisdiction, including whether cases are increasing, stable, or decreasing. Your application addresses particular requirements that you propose as an alternative to the Safer at Home model for each of these areas. The data and information included in your request demonstrates that, combined, Las Animas and Huerfano Counties have reported 15 COVID-19 cases to date with 0 cases in Huerfano County and 2 cases in Las Animas County in the last two weeks, putting the counties in the "low" variance category - see [here](#) for more information.

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Based on the low disease prevalence in Las Animas and Huerfano Counties as assessed in this variance review, the following standard is applied: for all indoor and outdoor spaces, in order to achieve 6 feet distancing, the limit is 50% of the posted occupancy code ensuring a minimum 28 square feet per person not to exceed more than 175 people gathered in a confined indoor space at any given time, and not to exceed 250 in an outdoor space.

Your variance application requests in the sectors of indoor events, outdoor events, bars, and post secondary education, as follows:

- Allow 50% occupancy or 175 max people for indoor events, specifically for
 - County 4-H and Livestock events,
 - movie theaters, and
 - Bars;
- Allow outdoor occupancy limits to be set based upon review of event plans by the district public health department; and
- Allow post secondary education in person instruction at 50% or 50 people max (not including instructors) in a room.

Your variance request is approved, as modified below:

- Indoor events to allow 50% occupancy or 175 people max for County 4-H and Livestock events, movie theaters, and bars is approved.
 - Bars must offer food from a licensed retail food establishment for on-premise consumption and follow all the restaurant requirements and guidelines to operate. For outdoor events, gathering size is limited to 250 people at any given time.
- Outdoor events for the County 4-H and Livestock events shall not exceed 250 people.

Since the filing of your variance request, amendments to PHO 20-28 have been issued, which addresses your request for postsecondary education to provide in person instruction. Institutions offering such instruction must follow the requirements and guidelines for indoor events, limited to 50% occupancy or 50 people in a room, or up to 100 people using the [Social Distancing Space Calculator](#).

This variance approval is granted based on the facts and circumstances today as you have described them in your request, and is subject to adjustment if conditions worsen as described [here](#). If the County observes 7 or more cases in a two week period, notify CDPHE and then implement a mitigation plan for 2 weeks to try and restore virus transmission levels to the baseline under which the variance was approved. If after 2 weeks the levels are not restored, CDPHE reserves the right to modify or rescind this variance approval as circumstances warrant. This standard for variance review applies to all variances currently in effect in Las Animas and Huerfano Counties .

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I appreciate your thoughtful approach to these challenging issues, and wish you all the best in your continuing efforts to ensure that Las Animas and Huerfano Counties residents are safe and healthy as we deal with this global pandemic. Las Animas and Huerfano Counties are valued partners, and we are available to answer any questions and work with you on these matters. Please give me a call if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Jill Hunsaker Ryan". The signature is written in a cursive, flowing style.

Jill Hunsaker Ryan, MPH
Executive Director